

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNTS OF BELIEVED
SUSPECTS AND WITNESSES OF NEW
TOWN HOMICIDE

Case No. 1:22-mj-22

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Eric Eccleston, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

This affidavit is made in support of an application for a search warrant to search digital files received from Facebook, Inc. pursuant to a search warrant issued in Court Case Number 1:21-mj-458, by Judge Clare R. Hochhalter on November 3, 2021, that contain information associated with the following accounts:

- FRANK.GALLAHGER.946: The Facebook account belonging to Edward Finley Jr.
- 100005684403724: The Facebook ID corresponding to the account belonging to Garrett Smith.
- DARLA.RENCOUNTRE.3: The Facebook account belonging to Darla Rencountre.
- DARLA.RENCOUNTRE: The second Facebook account belonging to Darla Rencountre.
- KENNY.GRADY.961: The Facebook account belonging to Kenneth Grady.
- KENNY.GRADY.129: The second Facebook account belonging to Kenneth Grady.
- KENNY.GRADY.792: The third Facebook account belonging to Kenneth Grady.
- LYNN.RIOS.56: The Facebook account belonging to Geri Rios.
- TAYLOR.DAYNE.71216: The Facebook account belonging to Taylor Dayne Good Bird.
- JUNES49: The Facebook account belonging to Valentino White Jr.
- BRANDON.BURDICK.370: The Facebook account belonging to Brandon Burdick

The digital files to be searched contain what were the contents of Internet-based social media accounts which were electronically stored and maintained by Facebook, Inc., headquartered at 1601 Willow Road in Menlo Park, California. The applied-for warrant would authorize the search of electronically stored information associated with the Facebook accounts listed in Attachment A, for the purpose of identifying and seizing electronically stored information particularly described in Attachment B. The information to be searched is described in the following paragraphs and in Attachments A and B, attached hereto.

I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been since May of 2018. I am currently assigned to the Minneapolis Division, Minot North Dakota Resident Agency, of the FBI. I am tasked with investigating a number of criminal offenses including the investigation of crimes against children, arson, assault, murder, and others within the boundaries of Native American Indian Reservations.

The statements contained in this affidavit are based in part on: information provided by other agencies; written reports and affidavits that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background in law enforcement. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrant, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this affidavit are summarized in substance and in part.

Based on my training and experience and the facts as set forth in this Affidavit, I respectfully submit there is probable cause to believe evidence of the offenses of 18 U.S.C. §§ 1112(a) (Voluntary Manslaughter) and/or 18 U.S.C. §§ 1111 (Second Degree Murder), and 18 U.S.C. §§ 1153 will be found in the digital files more fully described in Attachment A. There is also probable cause to search the files described in Attachment A for evidence, contraband, instrumentalities, or fruits of these crimes, as further described in Attachment B, herto.

PROBABLE CAUSE

1. On or about October 10, 2021, at approximately 2:07AM, Bureau of Indian Affairs (BIA) Special Agent Heather Baker informed FBI Special Agent Reed Mesman of a suspected assault resulting in serious bodily injury that occurred on the Fort Berthold Indian Reservation. The victim, Valentino William White Jr. (White), had stopped breathing and was currently being attended to by emergency personnel on scene. SA Baker informed that Three Affiliated Tribes (TAT) Police Department Sergeant (Sgt.) New Holy was currently at the scene of the incident.
2. On or about October 10, 2021, SA Mesman called and spoke with Sgt. New Holy. Sgt. New Holy informed SA Mesman that Garrett Smith (Smith) had called 911 and reported to law enforcement that he had seen a man walking on the street that did not look like he was doing so well. Smith was at the trailer house at Riverview Trailer Court, Lot 37, New Town, North Dakota 58763. While Smith was assisting the man he was getting worse and stopped breathing. Smith told police officers that the man stated that four men had beat him up. Sgt. New Holy was informed that the ambulance arrived and emergency personnel were working on the victim, identified as Valentino William White Jr. (White). Sgt. New Holy believed that White was an enrolled member of the Three Affiliated Tribes.
3. Sgt. New Holy was informed that police officers received verbal consent to enter Garrett Smith's residence. Police officers took photographs of the inside of the trailer house and observed blood in the kitchen and on the kitchen walls as well as on pair of boots in the bedroom. Smith stated that the blood on his boots was from a cut he received on his finger from solar panels. Police Officers observed a Band-Aid on Smith's finger. Sgt. New Holy remarked that it appeared to be a lot of blood for a finger cut. Police officers asked Smith if they could collect the clothes he was wearing, which also had blood on them. Smith stated to police that he felt like he was being treated like a suspect. Police Officers did not pursue the matter any further and eventually cleared from the residence and scene after the ambulance left.

4. Sgt. New Holy informed SA Mesman that ambulance personnel were able to get White breathing again. White was being transported to Trinity Health in Minot, North Dakota.
5. On or about October 10, 2021 at approximately 5:36AM, SA Mesman spoke with an ICU nurse at Trinity Health in regards to Valentino William White Jr. The nurse informed SA Mesman that White was most likely not expected to live. On October 11, 2021, White was declared brain dead.
6. A search warrant was obtained for the residence of the trailer house at Riverview Trailer Court, Lot 37, New Town, North Dakota 58763. The search warrant was executed by FBI Special Agents on October 10, 2021. Various items of evidence were collected to include items of clothing and multiple swabs of suspected blood from different rooms inside the trailer. Officers and agents also located various security video cameras around the outside of the trailer.
7. Observed and photographed during the search were the following: Two (2) Three Affiliated Tribes of the Fort Berthold Reservation ID cards for KENNETH BYRON GRADY, date of birth (DOB) 03/24/1991, and DARLA RAE RENCOUNTRE, DOB 05/02/1997, both found in Room A (Kitchen) in and next to a brown wallet. A Three Affiliated Tribes of the Fort Berthold Reservation ID card for EDWARD CECIL FINLEY, DOB 06/06/1991, was found in Room E (bedroom).
8. FBI SA Eric Eccleston and BIA SA Heather Baker conducted interviews of Garrett Smith (Smith), Edward Finley Jr. (Finley) and Kenneth Grady (Grady). Grady admitted to punching and kicking White in the head on the previous day. Grady confirmed that Finley had also punched and kicked White in the head. SA Eccleston also spoke with Edward Finley Jr's mother, Avis Finley, who agreed to come to the police station and allow agents to review the security video camera footage on her phone.
9. On the evening of October 10, 2021, FBI SA Randy Larkin interviewed Avis Finley (Avis) in the front area of the TAT Police Department in New Town, North Dakota. Avis was cooperative and allowed SA Larkin to review and take some preliminary photos and video of the video surveillance footage on Avis's phone. Avis provided commentary and identified some of the individuals throughout the review. The individuals that Avis identified included her son, Edward Finley Jr (Finley), Kenneth Grady (Grady), Garrett Smith (Smith), Darla Rencountre (Darla), and the victim, Valentino White Jr (White).
10. The videos continued throughout the remainder of October 9, 2021 and into the night hours of October 10, 2021 when Smith called 911 and EMS personnel arrived. While SA Larkin reviewed the surveillance footage on Avis's phone, SA Larkin took a photograph of the company logo which showed it belonged to Vivint. SA Larkin then accessed the Vivint Account information on Avis's phone. The name, email, and phone were listed as, "avis finley, geanfin66@hotmail.com, and 7014210610." A search warrant was issued by this court to Vivint for the security camera footage under Avis's account. Vivint provided the requested production under the court order and it was reviewed by SA Eccleston and SA Larkin.
11. Law enforcement has reason to believe through experience working violent crimes on Fort Berthold Indian Reservation that individuals on the reservation often message each

other by using social media messenger applications, such as Facebook Messenger. It is also the experience of law enforcement that individuals with multiple Facebook accounts sometimes send messages using more than one account.

12. SA Larkin reviewed the website <https://www.facebook.com/FRANK.GALLAHGER.946> with an analyst and observed photographs resembling Edward Finley Jr, leading law enforcement to believe this account belongs to Edward Finley Jr. SA Eccleston conducted an interview with Geri Rios and Rios told SA Eccleston that Edward Finley Jr's Facebook profile was under the name Frank Gallagher. SA Larkin had a previous interaction with Finley at the jail in New Town, ND on the evening of October 10, 2021 and recognized Finley from review of the security camera footage. Results from a search of this account are expected to yield expressions of intent or motivations for crime including whether this account had communication or connection to the account of the victim and whether any communications occurred between Edward Finley Jr and other members found at the crime scene either before or after the assault. Edward Finley Jr is an enrolled member of the Three Affiliated Tribes, a Federally recognized Indian Tribe.
13. SA Larkin reviewed the website <https://www.facebook.com/100005684403724> with an analyst and observed photographs resembling Garrett Smith, leading law enforcement to believe this account belongs to Garrett Smith. SA Larkin recognized Smith from review of the security camera footage and interview with Avis Finley who pointed out Smith in the security videos. Results from a search of this account are expected to yield expressions of intent or motivations for crime including whether this account had communication or connection to the account of the victim and whether any communications occurred between Garrett Smith and other members found at the crime scene either before or after the assault. Garrett Smith is an enrolled member of the Three Affiliated Tribes, a Federally recognized Indian Tribe.
14. SA Larkin reviewed the website <https://www.facebook.com/DARLA.RENCOUNTRE.3> and <https://www.facebook.com/DARLA.RENCOUNTRE> with an analyst and observed photographs on each of these accounts that resembled Darla Rencountre, leading law enforcement to believe these accounts belongs to Darla Rencountre. SA Larkin recognized Rencountre from review of the security camera footage and also from observing Rencountre's Fort Berthold Tribal ID card which was located in the kitchen area during the search warrant execution on October 10, 2021. Results from a search of this account are expected to yield expressions of intent or motivations for crime including whether this account had communication or connection to the account of the victim and whether any communications occurred between Darla and other members found at the crime scene either before or after the assault. Darla Rencountre is an enrolled member of the Three Affiliated Tribes, a Federally recognized Indian Tribe.
15. SA Larkin reviewed the websites <https://www.facebook.com/KENNY.GRADY.961>, <https://www.facebook.com/KENNY.GRADY.129>, and <https://www.facebook.com/KENNY.GRADY.792> with an analyst and observed photographs on each of these accounts that resembled Kenneth Grady, leading law enforcement to believe each of these accounts belongs to Kenneth Grady. SA Larkin recognized Grady from review of the security camera footage. Results from a search of this account are expected to yield expressions of intent or motivations for the crime

including whether this account had communication or connection to the account of the victim and whether any communications occurred between Kenneth and other members found at the crime scene either before or after the assault. Kenneth Grady is an enrolled member of the Three Affiliated Tribes, a Federally recognized Indian Tribe.

16. SA Larkin reviewed the website <https://www.facebook.com/LYNN.RIOS.56> with an analyst and observed photographs resembling Geri Rios, leading law enforcement to believe this account belongs to Geri Rios. SA Larkin recognized Rios from review of the security camera footage. Rios provided SA Eccleston with her Facebook profile as being Rios L Geri. Geri Rios reported communicating and spending time with Edward Finley Jr. the day after the assault, and results from a search of this account are expected to yield expressions of intent or motivations for the crime including whether any communications occurred between Geri and other members, particularly Edward Finley Jr., found at the crime scene either before or after the assault. Geri Rios is an enrolled member of the Three Affiliated Tribes, a Federally recognized Indian Tribe.
17. SA Larkin reviewed the website <https://www.facebook.com/TAYLOR.DAYNE.71216>. In an interview with Darla Rencountre, Darla told SA Eccleston that Taylor YellowWolf was Edward Finley's girlfriend and was also in the residence during the time of the alleged assault of Valentino White Jr. In an interview with Edward Finley Jr., Finley told SA Eccleston that Taylor's Facebook profile was Taylor Dayne but referred to her as Taylor Good Bird. In an attempt to learn the true identity of the female, SA Eccleston provided a picture of the female (Taylor) from the security camera footage, to a member of the Mandan Hidatsa and Arikara Division of Drug Enforcement who informed SA Eccleston that the female was Taylor YellowWolf and showed SA Eccleston the female's Facebook profile on which the display name was Taylor Dayne (YellowWolf). For these reasons, law enforcement has reason to believe this account belongs to Taylor YellowWolf who is reported to have been present during the incident. Results from a search of this account are expected to yield expressions of intent or motivations for crime including whether this account had communication or connection to the account of the victim and whether any communications occurred between Taylor and other members found at the crime scene either before or after the assault.
18. Tribal investigators with TAT Police were asked to attempt to locate a Facebook profile for the victim, Valentino White Jr. SA Eccleston received a screenshot from TAT investigator Nelson Hart of an individual resembling Valentino White Jr, with Facebook display name, T-no White Jr. SA Larkin reviewed the website <https://www.facebook.com/JUNES49> with an analyst and observed the display name of, "T-no White Jr." The photo resembled Valentino White Jr and SA Larkin recognized Valentino White Jr from review of security camera footage, leading law enforcement to believe this account belongs to Valentino White Jr. Results from a search of this account are expected to yield any proclivity for violence towards the other individuals at the crime scene or any past history of violence and any history of drug or substance abuse. Valentino White Jr was an enrolled member of the Three Affiliated Tribes, a Federally recognized Indian tribe.
19. SA Eccleston identified and interviewed another individual from review of the security camera footage that was present during the alleged assault of Valentino White Jr. SA

Eccleston confirmed this individual to be Brandon Burdick and SA Eccleston later interviewed Burdick and sent a screenshot to SA Larkin of Burdick's Facebook profile. SA Larkin reviewed the website <https://www.facebook.com/BRANDON.BURDICK>.³⁷⁰ with an analyst and recognized Burdick in the profile picture and from review of the security camera footage, leading law enforcement to believe this account belongs to Brandon Burdick. Results from a search of this account are expected to yield expressions of intent or motivations for crime including whether this account had communication or connection to the account of the victim and whether any communications occurred between Brandon and other members found at the crime scene either before or after the assault.

20. Based on my training and experience, I know that the remoteness of Indian reservations and high poverty levels often causes cell phone service to be unavailable, unreliable or unaffordable. Due to these factors, a majority of the population utilizes Facebook and Facebook Messenger as a primary communications platform. I know that individuals also use Facebook to communicate, post comments, and exchange information publicly and privately. I know that individuals might also utilize multiple Facebook profiles to avoid interaction with certain individuals or law enforcement. Threatening communications and expressions of intent can also be made on Facebook. Facebook messenger can also be utilized to discuss criminal activity.
21. Based on interviews conducted by SA Eccleston throughout the course of the investigation and review of security camera footage, law enforcement knows that Edward Finley Jr, Kenneth Grady, Garrett Smith, Darla Rencountre, Geri Rios, Brandon Burdick, and Taylor Dayne YellowWolf were all inside the residence and are potential witnesses or participants to the assault that led to the death of Valentino White Jr.
22. SA Larkin requests information related the above accounts for the time period from August 1, 2021, at 00:00 UTC, to the present date, and believes that time period would sufficiently provide the information sought by this Affiant.
23. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to search the information described in Attachment A for evidence, contraband, or fruits of crimes, as further described in Attachment B. Specifically, I believe probable cause exists that the requested information will assist law enforcement by providing context surrounding the relationships between the individuals inside the residence at the time of the assault.
24. Facebook retains information provided or created by Facebook users. A Facebook policy page (located at <https://www.facebook.com/policy.php> on July 19, 2018) stated in part that Facebook does "collect the content and other information you provide when you use our Services, including when you sign up for an account, create or share, and message or communicate with others. This can include information in or about the content you provide, such as the location of a photo or the date a file was created. We also collect

information about how you use our Services, such as the types of content you view or engage with or the frequency and duration of your activities. [...]

“We also collect content and information that other people provide when they use our Services, including information about you, such as when they share a photo of you, send a message to you, or upload, sync or import your contact information.

“We collect information about the people and groups you are connected to and how you interact with them, such as the people you communicate with the most or the groups you like to share with. We also collect contact information you provide if you upload, sync or import this information (such as an address book) from a device.

“If you use our Services for purchases or financial transactions (like when you buy something on Facebook, make a purchase in a game, or make a donation), we collect information about the purchase or transaction. This includes your payment information, such as your credit or debit card number and other card information, and other account and authentication information, as well as billing, shipping and contact details.

“We collect information from or about the computers, phones, or other devices where you install or access our Services, depending on the permissions you’ve granted. We may associate the information we collect from your different devices, which helps us provide consistent Services across your devices. Here are some examples of the device information we collect:

- Attributes such as the operating system, hardware version, device settings, file and software names and types, battery and signal strength, and device identifiers.
- Device locations, including specific geographic locations, such as through GPS, Bluetooth, or WiFi signals.
- Connection information such as the name of your mobile operator or ISP, browser type, language and time zone, mobile phone number and IP address.

“We collect information when you visit or use third-party websites and apps that use our Services (like when they offer our Like button or Facebook Log In or use our measurement and advertising services). This includes information about the websites and apps you visit, your use of our Services on those websites and apps, as well as information the developer or publisher of the app or website provides to you or us. [...]

“We receive information about you from companies that are owned or operated by Facebook, in accordance with their terms and policies. [...]

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

25. I believe the property to be seized is located in digital files described in Attachment A which Special Agent Randy Larkin of the FBI downloaded on December 14, 2021. The material provided by Facebook Inc., and which is currently maintained in the possession of the Federal Bureau of Investigation and has not yet been reviewed.

26. Because this warrant seeks only permission to examine electronically stored information obtained from Facebook, Inc., and which Facebook, Inc. provided to Special Agent

Larkin in an electronically stored format, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

CONCLUSION

27. Based on the forgoing, I request that the Court issue the proposed search warrant.
28. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. See 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” See 18 U.S.C. § 2711(3)(A)(i).

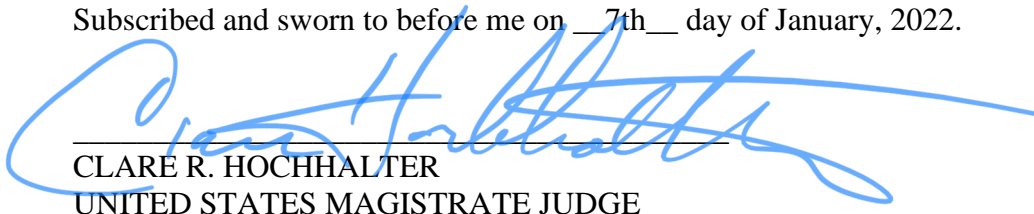
Dated this 7th day of January, 2022.

Respectfully submitted,



Eric M. Eccleston
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on 7th day of January, 2022.



CLARE R. HOCHHALTER
UNITED STATES MAGISTRATE JUDGE